

South Carolina Department of Natural Resources
Marine Resources Division

Summary of Dealer License Requirements
2006-2007

This document is a legal reference to regulations, not to supersede knowledge of the pertinent laws.

		<u>Resident</u>	<u>Nonresident</u>
50-5-355	Bait Dealer	\$25.00	\$125.00
50-5-360	Wholesale Dealer Each location requires a separate license	\$100.00	\$500.00
50-5-360(B)	Peeler Crab License Must have Wholesale Dealer License	\$75.00	\$375.00
50-5-360(C)	Shellfish Dealer Must Have Wholesale Dealer License	\$10.00	\$50.00

Section 50-5-1102. Persons who may not obtain or hold shrimp baiting license; penalty.

(A) The following may not obtain or attempt to obtain a shrimp baiting license:

(5) any person who, or officer of a corporation which, is licensed as a wholesale seafood dealer.

Section 50-5-1102 (B) No person holding a shrimp baiting license may be a person specified in subsection (A).

Section 50-5-1102 (C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days.

Section 50-5-355. (A) The department may inspect the business premises or floating equipment, or both, of a person applying for a bait dealer license and of a licensed bait dealer engaged in harvesting and selling bait.

Section 50-5-355 (B) A licensed bait dealer who only sells fish or fishery products to be used solely as bait does not have to acquire a wholesale seafood dealer license.

Section 50-5-360 (A) Except as provided in subsection (G), a person or entity who buy, receives or handles any live or fresh saltwater fish or any saltwater fishery products taken or landed in this State and packs, processes, ships, consigns, or sells such items at other than retail, and not solely for bait must first obtain a wholesale seafood dealer license. A person who buys or receives such products solely from licensed seafood dealers is not required to obtain a wholesale seafood dealer license. Each location at which products are to be packed, shipped, consigned, or bought, or to be sold at wholesale must be a permanent, non-mobile establishment, and must be separately licensed.

Section 50-5-360 (B) In order to engage in shedding peeler crabs, a person or entity must first be a licensed wholesale seafood dealer and be licensed for peeler crabs. Persons holding this license and

engaged in shedding peeler crabs are authorized to receive, possess, and sell peeler crabs regardless of size.

Section 50-5-360 (C) A person or entity required to obtain a wholesale seafood dealer license who receives molluscan shellfish must first be licensed for molluscan shellfish.

Section 50-5-360 (E) The original or a legible copy of the wholesale dealer license must be displayed where a wholesale seafood dealer and his agent is selling or offering for sale saltwater fishery products.

Section 50-5-360 (F) Roadside vendors, transient dealers, or peddlers operating from vehicles, roadside stands, or other temporary locations who sell or offer for sale saltwater fishery products are retail dealers who must comply with the retail license and tax requirements of state and local law. The person or entity must be a licensed wholesale seafood dealer or must have received or purchased the products from licensed wholesale seafood dealers or other licensed retailers and must comply with the requirements of Section 50-5-375 (A).

Section 50-5-360 (G) A person or entity that solely produces fish or fishery products reared as offspring from brood stock in captivity, or purchases such fish or fishery products solely is not required to have a wholesale seafood dealer license.

Section 50-5-365

(A) A person or entity who:

- 1) Offers for sale any live or fresh fish or any saltwater fishery products, other than a licensed commercial saltwater fishery products, other than a licensed commercial saltwater fisherman licensed as a wholesale dealer; or
- 2) Transports live or fresh fish or any saltwater fishery products, other than a licensed wholesale seafood dealer; must have in his possession dated bills of lading, invoices, receipts, bills of sale or similar documents showing the quantity of species and type of saltwater fishery product being offered for sale or transported and in the name of the licensed commercial saltwater fishermen or licensed wholesale seafood dealer from whom the products were purchased or received.

Section 50-5-365 (B) A person or entity including a licensed commercial saltwater fisherman who takes saltwater fishery products and sells the catch only to a wholesale seafood dealer licensed under this section or else he must be licensed as a wholesale seafood dealer under this section.

Section 50-5-365 (C) With out having obtained a valid wholesale seafood dealer license it is unlawful to:

- 1) Buy or receive at other than retail live or fresh fish or any saltwater fishery products taken or landed in this State
- 2) Sell or offer fish or products for sale at other than retail or as allowed in subsection B; or
- 3) Transfer, ship, pack, or consign fish or products.

Section 50-5-365 (D) It is unlawful to purchase live or fresh fish or any saltwater products taken or landed in this State at other than retail from a person other than a licensed wholesale seafood dealer, provided:

- 1) The fish or product may be purchased for use as bait from a licensed bait dealer; and
- 2) A licensed wholesale seafood dealer may purchase from a licensed commercial saltwater fisherman.

Section 50-5-365 (E) It is unlawful for a person or entity to sell or offer for sale live or fresh fish or any saltwater fishery products or to transport live or fresh fish or any saltwater fishery products without having in possession dated bills of lading, invoices, receipts, bill of sale, or similar documents showing the quantity of each species and type of saltwater fishery products to be sold or transported and the name of the licensed commercial saltwater fisherman or licensed wholesale seafood dealer whom the products were purchased or received. As it relates to operation of a vessel or vehicle, this subsection does not apply to a licensed commercial saltwater fisherman transporting his catch to a licensed seafood dealer.

Section 50-5-370. (A) It is unlawful for a person not licensed as a wholesale seafood dealer to purchase, handle, barter, or trade saltwater fishery products taken, landed, produced or cultured in this State unless first handled by a licensed wholesale seafood dealer. This section does not apply to persons receiving live bait from a licensed live bait dealer.

Section 50-5-370 (B) No person may remove from this State for a commercial purpose any saltwater fish or fishery products taken, landed, produced or cultured in this State unless the fish or product is accompanied by original, dated bills of lading, invoices, receipts, bills of sale, or similar documents showing the quantity of each type of saltwater fish or fishery product being transported and the name of the licensed wholesale seafood dealer or retail establishment from whom the products were purchased or received.

Section 50-5-375 (A) Every seafood dealer required to be licensed must keep and retain accurate records detailing the information required by the department for a period of not less than a year and shall open the records to the department for inspection upon reasonable demand.

Section 50-5-380 (A) A person or entity licensed or permitted by the department engaged in the take, distribution, or propagation of any saltwater fishery product for a commercial or scientific purpose must keep accurate records and may be required to provide accurate information and reports to the department on forms and by methods required by the department for the administration and enforcement of saltwater fishery laws and for fisheries management purposes. The department has concurrent authority with the United States to collect or require the submission of pertinent data specified pursuant to the federal Fishery Conservation and Management Act of 1976, as amended. Any information which directly or indirectly discloses the identity of a licensee or permittee or income amounts or trade secrets or other specialized methodologies for growing or taking or marketing saltwater fisheries products is not public information. Information on fisheries furnished by any source which is required by a state or federal law to be kept confidential is not subject to disclosure except when required by order of a court of competent jurisdiction.

Section 50-5-380 (B) Noncommercial information provided voluntarily to the department in support of a resource or management activity is likewise confidential. Nothing in this section may be construed as to limit the use of such information in enforcement of this chapter.

Section 50-5-380 (D) The department shall collect and analyze data pertinent to protection, propagation, promotion and management of marine resources.

Section 50-5-385. License authorized under this article expire on June 30th following their effective date. Permits expire under the terms of individual permit.

Section 50-5-390. The department may deny issuance of any license or permit for commercial fishing equipment or activities to residents of any coastal state which denies the same privilege to South

Carolina residents. The department may limit the type of fishing equipment used, seasons, and areas where nonresidents may fish in accordance with comparable limitations placed upon South Carolina fishermen by the nonresident's state.